

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Lisa J. Redding, Alan Redding,

Plaintiffs,

Civ. No. 10-4386 (RHK/FLN)
ORDER

v.

Capital One Bank (USA), N.A., and
Messerli & Kramer, P.A.,

Defendants.

This matter is before the Court *sua sponte*. A Motion to Dismiss by Defendant Messerli & Kramer P.A. (Doc. No. 9) remains pending. Before that Motion was fully briefed or heard, however, Plaintiffs moved to amend their Complaint (Doc. No. 18), and the hearing on the Motion to Dismiss was thus continued awaiting resolution of the Motion to Amend. (See Order dated June 3, 2010 (Doc. No. 26).) Plaintiffs' Motion to Amend has now been granted, and Plaintiffs have been instructed to file their Amended Complaint. (See Order dated June 20, 2011 (Doc. No. 29).)

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that Defendant's Motion to Dismiss (Doc. No. 9) is rendered **MOOT** and is **DENIED WITHOUT PREJUDICE**.

Dated: June 24, 2010

s/Richard H. Kyle

RICHARD H. KYLE

United States District Judge